



08.08.03

GP 1645

NVI 5183.1
PATENT

EV 327053610 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Charles S. Schasteen et al.

Art Unit 1645

Serial No. 10/005,510

Filed November 8, 2001

For METHODS AND COMPOSITIONS FOR THE CONTROL OF COCCIDIOSIS

Examiner Vanessa L. Ford

RECEIVED

August 7, 2003

AUG 11 2003

RESPONSE TO OFFICE COMMUNICATION

TO THE ASSISTANT COMMISSIONER FOR PATENTS,

TECH CENTER 1600/2900

SIR:

This letter is in response to the Office communication mailed July 7, 2003. The Office has indicated that the April 28, 2003 reply was not fully responsive to the Office action mailed March 26, 2003, because an election of species was not made for Group I claims. In the March 26 Office action, the Office requested applicants elect a single species for Group I claims from a list of four species: a) alkali metal; b) free of alkali metal; c) composition comprising one organism; and d) composition comprising a mixture of organisms.

The applicants respectfully direct the Office's attention to the bottom of page 24 of the April 28, 2003 response, where the species "alkali metal" was elected on the assumption that "alkali metal" means a species that does not exclude the presence of alkali metal. This election constituted an election of all Group I claims (claims 1-30, 113-119, and 136-143). Applicants have thus elected a species for the Group I claims as required by the March 26 Office action.

The Office has stated that "Compositions that comprise one organism are structurally different from compositions comprising a mixture organisms. Applicant did not address this species requirement as being unnecessary or otherwise." Applicants did not realize that the previous Office action was requiring the applicants to further